



William Cass, P.E.
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

33



David Rodrigue, P.E.
Assistant Commissioner
Andre Briere, Colonel, USAF (RET)
Deputy Commissioner

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

Bureau of Rail & Transit
January 7, 2025

REQUESTED ACTION

Pursuant to RSA 4:40 and 228:67, authorize the Department of Transportation to sell a 18,900 square foot (0.43 acre +/-) parcel of state-owned railroad property located within the Berlin Branch Railroad Corridor, in the Town of Littleton, to Rail Trail Properties, LLC for \$11,400, plus a one-time administrative fee of \$1,100, effective upon Governor and Executive Council approval.

It has been determined by the Division of Finance that this parcel was originally purchased with 80% Federal Funds and 20% General Funds. Sale income and the one-time administrative fee will be credited as follows:

04-096-096-960015-0000-UUU-402156	<u>FY 2025</u>
Administrative Fee	\$1,100
04-096-096-964010-2991-403532	<u>FY 2025</u>
Railroad Property Sale	\$2,280
(20% of \$11,400)	
04-096-096-963515-3054-401771	<u>FY 2025</u>
Consolidated Federal Aid	\$9,120
(80% of \$11,400)	

EXPLANATION

The Department received a request from the Rail Trail Properties, LLC to acquire property adjacent to their property, a former industrial facility that is being repurposed for residential condominium use. The facility is the former Hitchner Manufacturing Company and to facilitate shipping and receiving of materials, via rail, the factory structure was built on the property line adjacent to a rail siding. As part of the conversion to residential housing, and to meet municipal codes for adequate clearance around the existing structure for emergency response access, the subject property is requested. The sale of subject property will facilitate maintenance of the existing, now residential, structure and provide for emergency access to emergency response personnel and equipment.

The subject property is within the state-owned Berlin Branch Railroad Corridor, which is currently used as a recreational rail trail (Ammonoosuc Recreational Rail Trail) and is managed by the Department of Natural and Cultural Resources (DNCR) Trails Bureau. The Department has consulted with DNCR on the subject sale and determined that the sale of the subject property will not interfere with the current recreational rail trail or potential restoration of rail on the state-owned railroad line.

RSA 228:67 allows the Department to sell portions of a railroad corridor no longer needed by the State to political subdivisions of the State for public uses and the Commissioner may sell them in accordance with RSA 4:40. The Town of Littleton expressed no interest in the subject property; therefore, the Department proposes to sell to Rail Trail Properties, LLC.

The Long Range Capital Planning and Utilization Committee (LRPC) approved the sale on April 12, 2024 (LRPC 24-012) for \$11,400 with a \$1,100 administrative fee.

Authorization is requested to sell the parcel of land as described to an abutter as outlined above.

Sincerely,

A handwritten signature in black ink that reads "William Cass". The signature is written in a cursive style.

William J. Cass, P.E.
Commissioner

Attachments



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Natural and Cultural Resources 603-271-3483
19 Pillsbury Street, Concord, NH 03301-3570 603-271-3558
TDD Access Relay NH 1-800-735-2964 FAX 603-271-3433
www.nh.gov/nhdhr preservation@dnr.nh.gov

August 16, 2017

Jack E. Dodd
Rail Business Consultant
Forest Products Advisor
73 Bishop Street
Saint Albans, VT 05478

Re: Abandonment of a 6.86-mile section of the White Mountain Railroad/WM Division of the
Boston, Concord & Montreal Railroad *RPR 7722*
Dkt. No. AB-1237X

Dear Mr. Dodd:

Thank you for participating in consultation pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. As noted in 49 CFR § 1105.8, the Historic Report to be provided to the Surface Transportation Board relates to the consultation process required by the National Historic Preservation Act, particularly Section 106.

Previously reviewed in 1995 and 2002, the entire line of the White Mountain Railroad was confirmed eligible for listing in the National Register of Historic Places on February 22, 2017 under Criteria A and C, for history and engineering. On May 24, 2017 approximately 50 extant historic elements located along the 6.86-mile section of the line proposed for abandonment/trail conversion were confirmed as contributing elements to the linear historic district. These include a variety of posts, signs, switches, and other small features, as well as larger features such as bridges.

Per an e-mail dated August 8, 2017 (Gamache, NH Bureau of Trails), the project will involve removal of 6.86 miles of rail and ties, minimal grading of the corridor, and repairs and installation of decking on bridges for conversion to trail use to add mileage to an existing trail open to hiking, bicycle, OHRV, snowmobile, equine, sled dog, and cross-country skiers. The e-mail notes that contractors will perform the initial trail conversion work, with trail maintenance performed by the NH Bureau of Trails and local volunteer clubs. However, the Request for Project Review (RPR) initiating Section 106 consultation with our office (received June 10, 2016) also noted that the intent is to avoid impacts to "All railroad operation appurtenances (granite mile posts, whistle posts, tell-tales and signals . . .), *unless a hazard to current (snowmobiles) and future corridor users, will remain*" (italics added).

The DHR expressed two areas of concern for further consultation in its June 9, 2017 e-mail to the NH Bureau of Trails and NHDOT. One is the potential removal of contributing railroad elements such as posts, signs, switches, and open battery wells that could potentially be construed as hazards and removed per the RPR project description. The second is the presumed installation of railings on open railroad bridges in order to ensure trail users' safety. These concerns have not been addressed by the project applicant. As was mentioned in that e-mail, good examples of treatment of these types of elements/resources have been developed in recent projects.

The DHR concurs that the undertaking would have "No Adverse Effect," pursuant to 36 CFR Part 800.5, *if the abandonment/trail conversion is done as described in the following stipulations:*

Stipulations: (1) A list of identified hazards and a hazard removal plan is prepared and shared with the DHR with reasonable time for review and consultation to revise plans, if necessary; (2) the NH Bureau of Trails will commit to avoiding/protecting railroad-related features during construction, and maintenance of these during trail management by, at minimum, informing its staff and volunteers as to what historic items to be aware of and on the lookout for to avoid disturbing them, by marking out artifacts encountered before beginning work to reduce any occurrences of accidental damage, and by including a clause in construction bid documents that mandates any historic items be left intact and undisturbed during the construction process unless specifically addressed in the hazard removal plan; and (3) design plans for converting railroad bridges to trail use, such as installation of railings, must follow the Secretary's Standards for the Treatment of Historic Properties; design plans must be shared with the DHR with reasonable time for review and consultation to revise plans, if necessary.

Therefore, based on the information available, it has been determined that the undertaking, *under condition that actions as stipulated above are accepted and completed*, will have "No Adverse Effect," pursuant to 36 CFR Part 800.5, on the White Mountain Railroad; nor will it have an adverse effect on any other properties or districts that are listed in or may be eligible for the National Register, or properties of known or potential architectural, historical, archaeological or cultural significance.

Sincerely,



Richard A. Boisvert
Deputy State Historic Preservation Officer
New Hampshire Division of Historical Resources



STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

From: Louis A. Barker 
Railroad Planner

Date: March 18, 2024

AT: Dept. of Transportation
Bureau of Rail and Transit

Thru: Stephen LaBonte 
Administrator, Bureau of Right-of-Way

Subject: State-owned Berlin Branch Railroad Corridor
Proposed Sale of Land, Town of Littleton (RSA 4:40, RSA 228:67)

To: Rep. Mark McConkey, Chairman
Long Range Capital Planning and Utilization Committee

REQUESTED ACTION

The Department of Transportation, pursuant to the provisions of RSA 4:40 and RSA 228:67, requests authorization to sell approximately 18,900 square feet (0.43 acres) on the state-owned Berlin Branch Railroad Corridor in the Town of Littleton to Rail Trail Properties, LLC, an abutter, for \$11,400 and a \$1,100 Administrative Fee of which the Department has received \$500.

EXPLANATION

Rail Trail Properties, LLC acquired the former Hitchner Manufacturing property in the Town of Littleton and has converted the former factory structure to a residential condominium, Rail Trail Village. The existing structure was built adjacent to the railroad property line for proximity to a rail siding that previously existed and was used to serve the manufacturing business that previously occupied the structure; however part of the conversion to residential housing required adequate clearance around the existing structure for emergency response access. The subject property was requested and will facilitate maintenance on the existing structure, which is being retained with the improvements for residential use and provide for emergency access to Town of Littleton emergency response.

The presence of the slope improvements and vegetive management of the parcel adjacent to the railroad corridor will not interfere with current recreational rail trail use on this railroad line as the Department maintained ownership of the railroad track alignment to allow for future railroad operation or transportation use on this corridor. The proposed dimensions of this request are 1,050 feet (length) by 18 feet (width) and will be located to the side of the corridor.

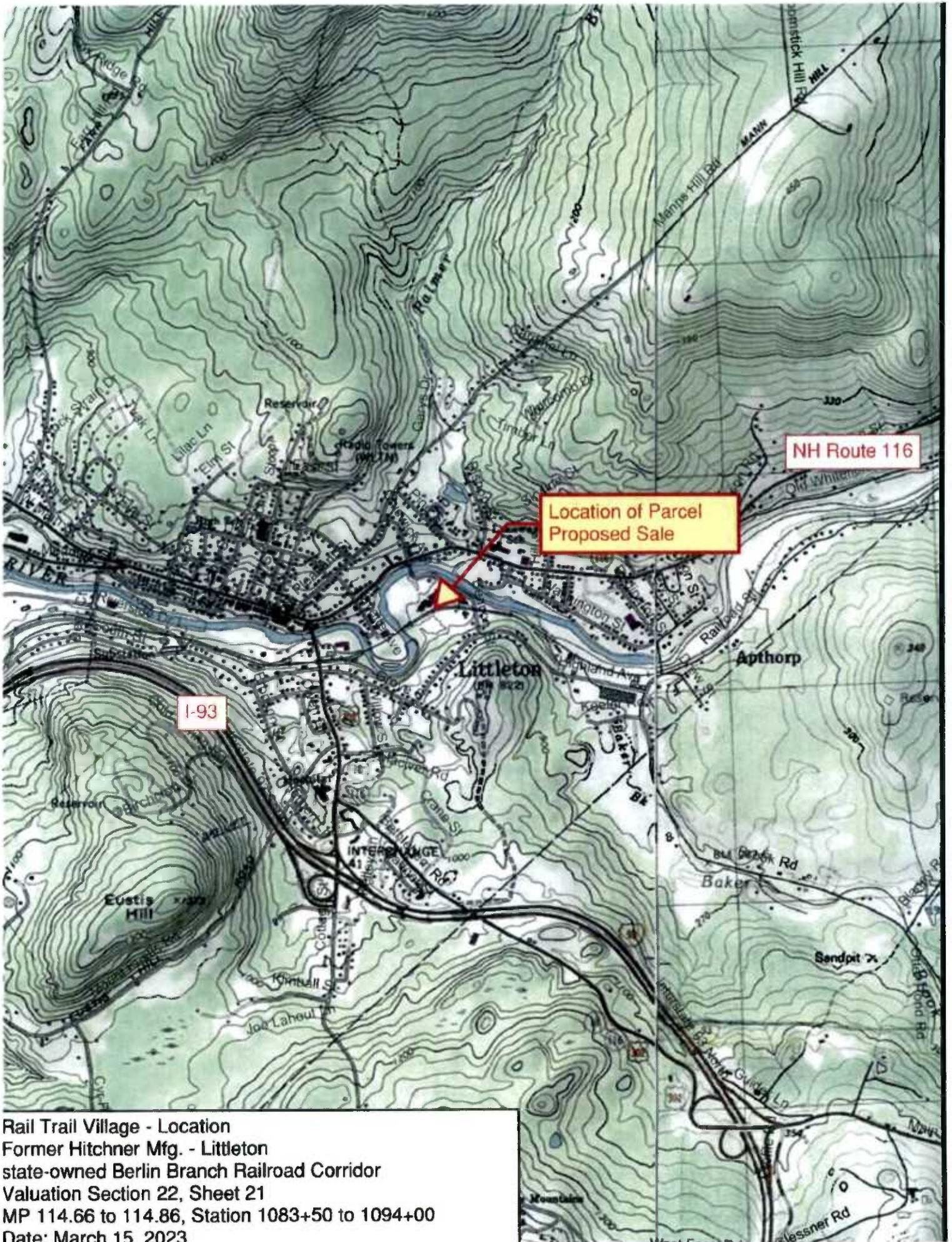
A staff appraiser from the Department's Bureau of Right of Way completed an opinion of value (attached) utilizing the subject parcel's contributory value to property currently owned by Rail Trail Properties, LLC.

Sales in the Grafton County area were researched and analyzed to derive an indication of value for the subject property. The Department appraiser determined a sale value of \$11,400 for this property. The Department will assess a \$1,100 administrative fee of which it is in receipt of \$500.

Authorization is requested to sell the parcel to Rail Trail Properties, LLC, as outlined above.

Attachments:

- Topo Location
- Aerial Location
- Tax Map Location
- Valuation Map Location
- Plan View Detail
- NHDOT Right-of-Way



Rail Trail Village - Location
Former Hitchner Mfg. - Littleton
state-owned Berlin Branch Railroad Corridor
Valuation Section 22, Sheet 21
MP 114.66 to 114.86, Station 1083+50 to 1094+00
Date: March 15, 2023



April 19, 2022

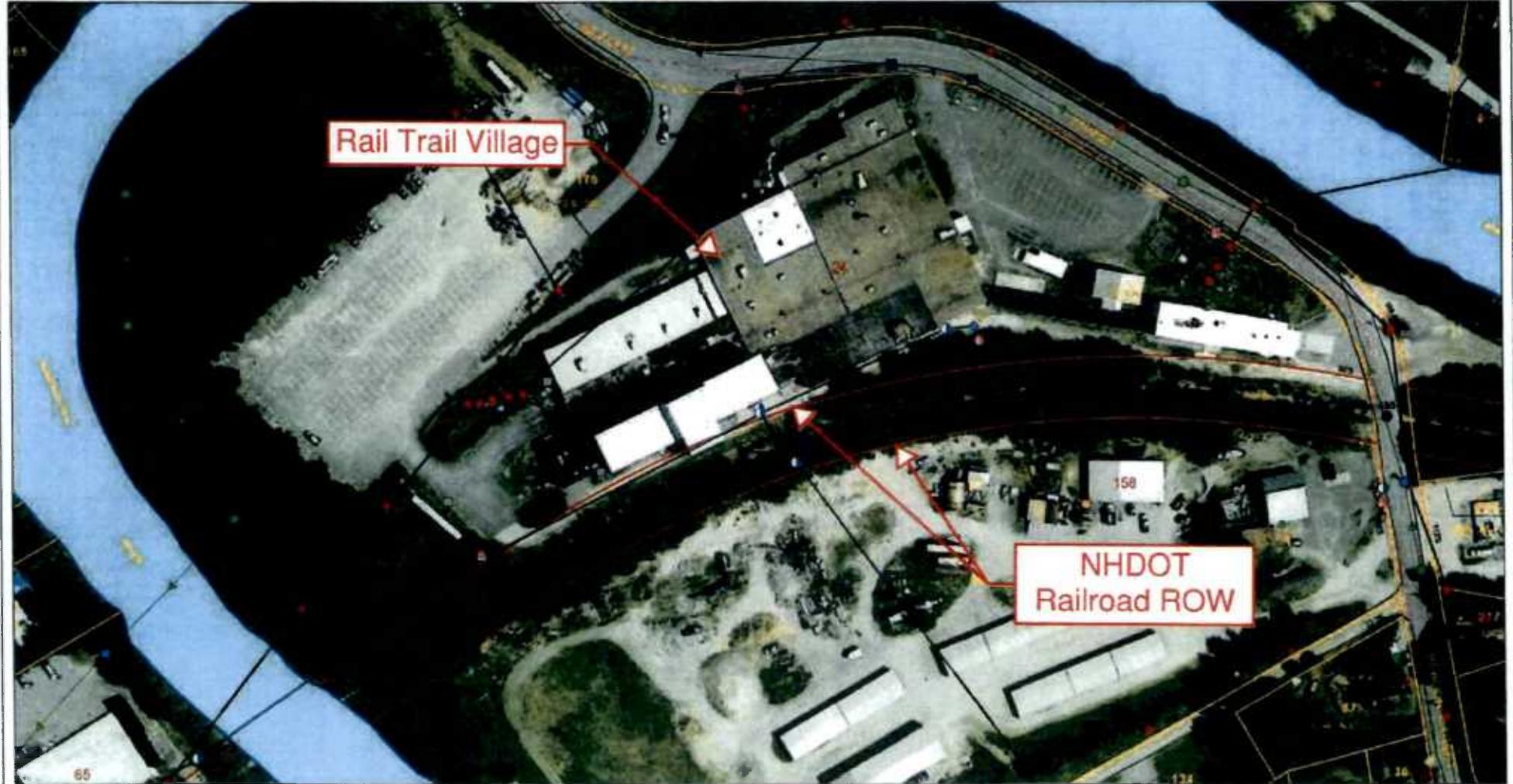
Rail Trail Village

Littleton, NH

1 inch = 100 Feet



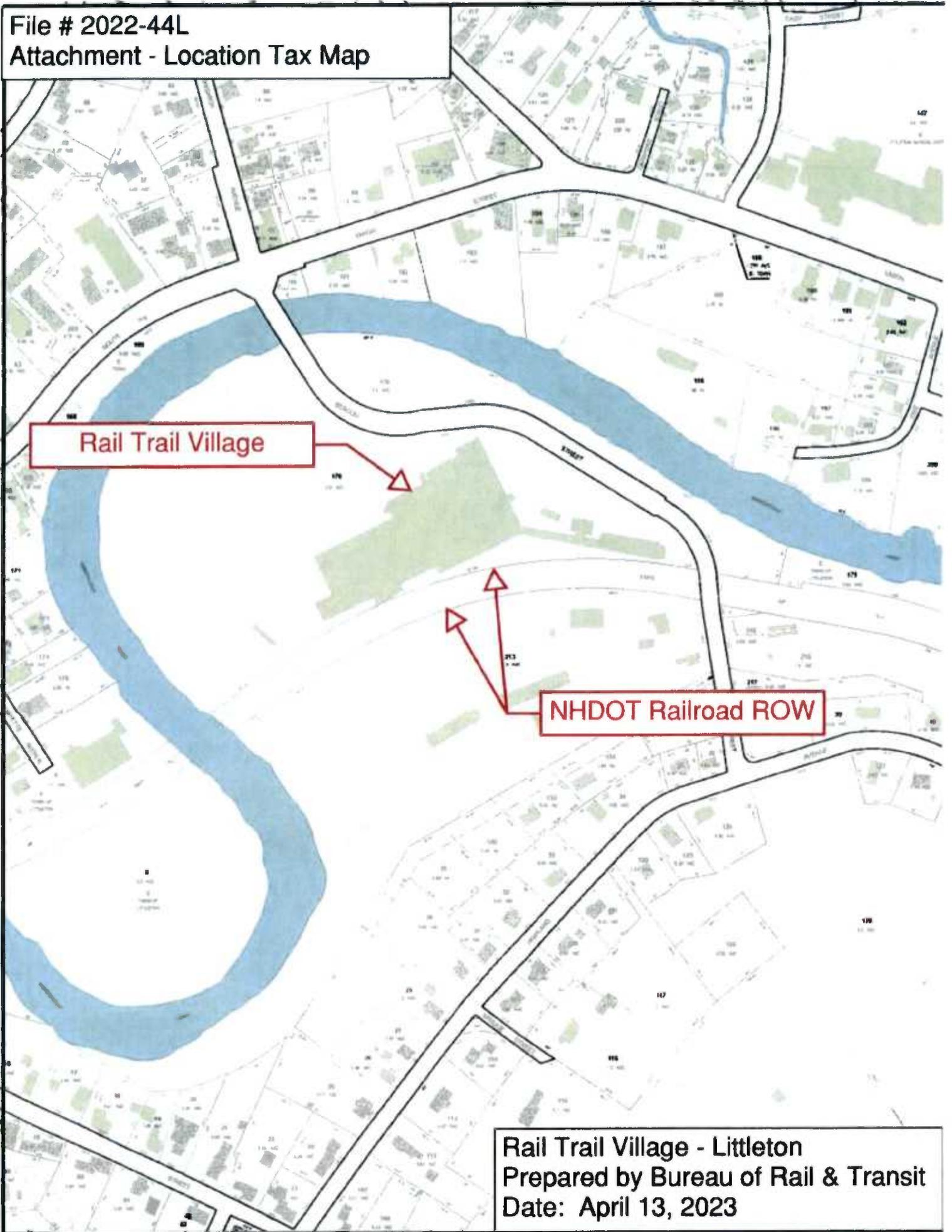
www.cai-tech.com



Rail Trail Village

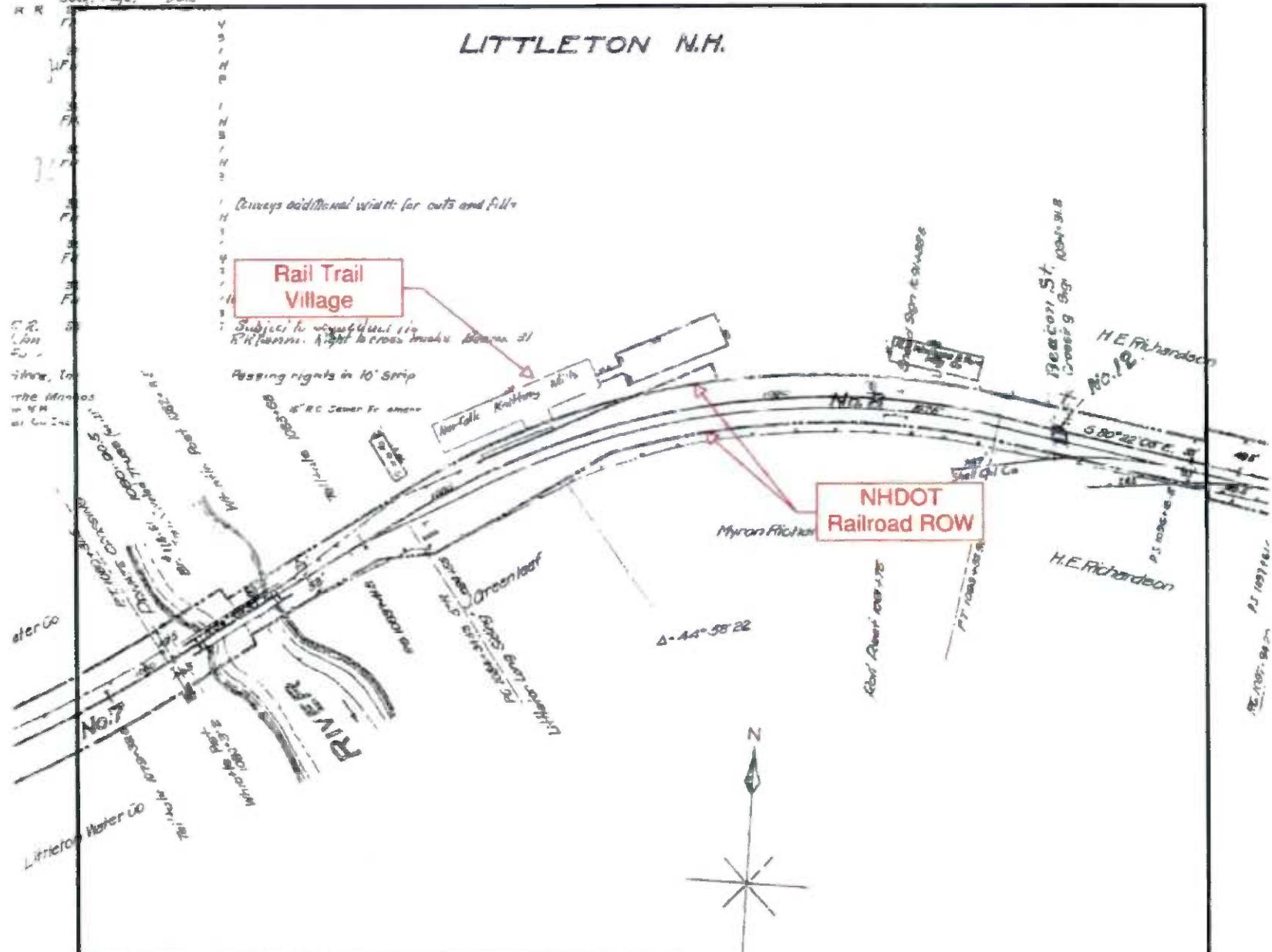
NHDOT
Railroad ROW

Data shown on this map is provided for informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Rail Trail Village - Littleton
Prepared by Bureau of Rail & Transit
Date: April 13, 2023

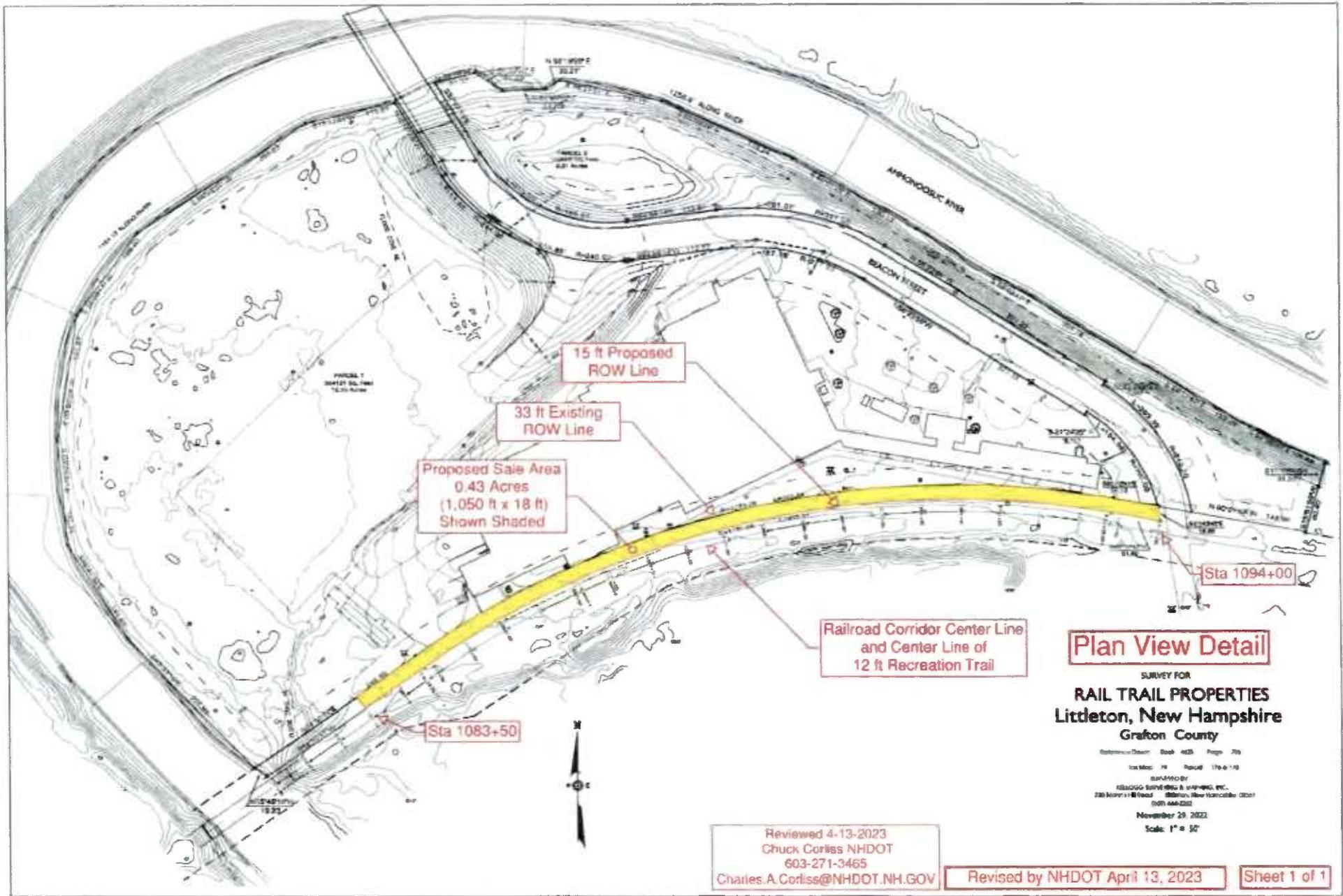
LITTLETON N.H.



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Parcel Location - Rail trail Village
 Former Hitchner Mfg. - Littleton
 state-owned Berlin Branch Railroad Corridor
 Valuation Section 22, Sheet 21
 MP C114.66 to MP C114.86, Station 1083+50 to 1094+00

NHDOT -Bureau of Rail & Transit
 Date: April 14, 2023



15 ft Proposed ROW Line

33 ft Existing ROW Line

Proposed Sale Area
0.43 Acres
(1,050 ft x 18 ft)
Shown Shaded

Railroad Corridor Center Line
and Center Line of
12 ft Recreation Trail

Sta 1094+00

Sta 1083+50

Plan View Detail

SURVEY FOR
RAIL TRAIL PROPERTIES
Littleton, New Hampshire
Grafton County

Reference Sheet Book 403 Page 26
Scale: 1" = 10'
DRAWN BY
RIBBAGO SURVEYING & ENGINEERING, INC.
230 North Main Street, Littleton, New Hampshire 03045
November 29, 2022
Scale: 1" = 50'

Reviewed 4-13-2023
Chuck Corliss NHDOT
603-271-3465
Charles.A.Corliss@NHDOT.NH.GOV

Revised by NHDOT April 13, 2023

Sheet 1 of 1

New Hampshire DOT Right-of-Way



Railroad Cross Section

Not to Scale

Note: This is a generic railroad cross section provided to demonstrate the Railroad Owners property (ROW) from the base line as shown on Valuation Section Sheet referenced.

Revised Date 5-22-2023

About the Valuation

Scope of Work

To do this assignment, I inspected the property on October 12, 2023. I examined town and county property records including assessment data and taxes, zoning regulations, and reviewed available plans. I formed an opinion of the highest and best use based on legal, physical, and neighborhood land use characteristics.

I compiled comparable sales data, verified and analyzed the data, developed an opinion of the market value of the abutting property as-if vacant land and prepared this appraisal report to summarize and convey my findings, the market data, and the analyses used. I prepared this appraisal report in compliance with USPAP Standards Rule #2-2(a) governing appraisal reports.

Data and Analysis

Highest and Best Use is the physically possible, legally permissible, financially feasible, and maximally productive use that would result in the greatest net return. It cannot be highly speculative nor predicated upon conditions anticipated in the too distant future.

Highest and Best Use-Subject Property: The subject property as proposed encompasses approximately 0.43± acres (18,900± square feet) fronting the west side of Beacon Street, within the Mixed Use-1 zoning district. Long and narrow in shape, the property is primarily sloped open area landscaped and maintained by the abutter. As configured, the property lacks adequate access and usable (shape) land area to function as a stand-alone lot. The abutting property owner to the north wishes to acquire the subject as additional yard area. The Highest and Best Use of the subject property is assemblage with the noted abutting property.

Highest and Best Use-Abutting Property "As-If Vacant": The abutting property, as noted, is a legal and conforming lot of record, being approximately 12.95± acres (564,121± square feet) and capable of accommodating various allowed uses. The property has adequate usable upland to support the allowed uses. However, the limited exposure and visibility from being located on a side street suggests specialty commercial, manufacturing, residential, or a combination thereof is most likely.

Highest and Best Use-Abutting Property "As-Is": The abutting site is currently improved with a circa 1902 manufacturing facility with approximately 105,629± square feet of gross building area (GBA). A building of this size would not likely be allowed under current regulations. However, the improvements are grandfathered and have been approved for the new use as residential apartments and specialty commercial space. Accordingly, utilization as residential apartments and specialty commercial space is considered most financially feasible and therefore, the highest and best use.

Highest and Best Use-"As Assembled": The assemblage of the subject to the abutting property of Rail Trail Properties, LLC will increase the size of the lot by 0.43± acres (18,900.00± square feet). The additional land area is already maintained and utilized by the abutter as yard area. It is my opinion that the highest and best use of the subject property as assembled is for continued use as residential apartments and specialty commercial space.

¹ Property data was collected and compiled from several sources, including the Town of Littleton, the Grafton County Registry of Deeds, New England Real Estate Network site MLS (NEREN), FEMA flood plain website, USDA Web Soil Survey website, NH Department of Transportation highway plans and records, as well as consultation with local real estate professionals.

Valuation

I have utilized only the Sales Comparison Approach, Direct Comparison Method. The other methods of valuation are not applicable as the property as appraised consists of vacant land with no improvements to consider (Cost Approach), and vacant land is not typically purchased for its ability to generate rental income (ground leases) and it is too small for sustained forestry management or agricultural production to be a consideration (Income Approach). Price per acre of land area will be the unit of comparison utilized in the following analyses.

The comparable sales (3) utilized are the result of market research conducted to identify and locate sold properties for direct comparison to the abutting property as-if vacant land, both as-is and after the assemblage with the subject. The analyses utilized percentage adjustments, reflecting market reaction to those items of significant variation between the subject and the comparable sales. If a significant item in the comparable property is superior to, or more favorable than, the abutting property, a negative (-) adjustment is made, thus reducing the indicated value; if a significant item in the comparable property is inferior to, or less favorable than, the abutting property, a positive (+) adjustment is made, thus increasing the indicated value.

"As-Is" ("Before") Analysis

Sale data (land) specific to Littleton and the immediate market area is limited. The search for comparable sales was expanded to the overall northern New Hampshire area. Of the sales utilized, Sale nos. 1 and 3 were not exposed to the open market but are conveyances among abutters conducted under normal, "arm's length" circumstances. Sale 2 was on the market for 278 days. Other data sources and overall market observations suggest exposure periods between six (6) and twenty-four (24) months for property within commercial and industrial market segments. In consideration of the market activity for this property type and the specific data I used to arrive at an opinion of market value, it is my opinion that the abutting property, if vacant, would have an exposure time of 12 to 24 months.

Adjustments

Property Rights Conveyed, Conditions of Sale and Seller Concessions

All three (3) sales were conveyances of fee simple interests as encumbered by typical utility easements and conveyed under "arm's length" conditions with no unusual or atypical influences, and without any concessions. No related adjustments were required.

Financing

All three (3) transactions had terms of cash or its equivalent to the seller. The sales are therefore similar in regard to financing, with no related adjustments required.

Expenditures after Purchase

The sales utilized did not have any unusual additional costs associated with them and required no adjustments.

Market Conditions

The sales utilized occurred between April 8, 2021 and May 10, 2023. I have researched historic sales data within the subject market area and market segment. Sales are in fact limited, and no sale/resale situations were located from which appreciation rates could be extracted. The appraiser has instead relied overall market observations and annual increases in the Consumer Price Index (CPI). The data utilized is interpreted to suggest market appreciation of 3% annually (0.25% per month) commencing January 1, 2019 and continuing to the effective date of value (October 12, 2023).

Location

The abutting property is located on a side street extending southerly, by bridge over the Ammonoosuc River from Union Street (NH Route 116). Sale nos. 1 and 2 are located along NH Route 18 at Exit 43 from I-93. While immediate Interstate highway access is more desirable, traffic counts and overall neighborhood characteristics do not suggest this location is superior or inferior to the subject. Sale 3 is located at the end of road extending from the Tenney Mountain highway (NH Route 25) in Plymouth. This is a "college" town but with similar resident population and regional economic center characteristics as Littleton. Tenney Mountain Highway is a commercial destination. Again, the location is considered similar to the subject overall. Accordingly, no related adjustments are required.

Exposure/Visibility

The abutting property has below average exposure and visibility, being on a side street separated from NH Route 116 by the river. Sale nos. 1 and 2 are slightly superior in this regard and each have been adjusted downward by 5%. Sale 3 is slightly inferior in this regard and has been adjusted upward by 5%.

Access/Frontage

The abutting property has adequate access and road frontage. Sale nos. 1 and 2 are sufficiently similar as to not require related adjustments. Sale 3, however, is inferior in this regard and has been adjusted upward by 25%.

Zoning

The abutting property as well as Sale 1 are within the Mixed Use-1 zoning district. Sale 2 is within the Commercial III district, and Sale 3 is partially within the Commercial/Industrial district and partially within the Agricultural district (approximately 50/50). Sale nos. 1 and 2 are sufficiently similar as to not require any related adjustment. Sale 3 has been adjusted upward by 10% to address its inferior zoning district.

Physical Characteristics

The abutting property is generally level to lightly sloping, has substantial buildable area. While part of the property is within a flood plain, it is otherwise usable upland. Sale 1 is sufficiently similar in this regard as to not require any adjustment. Sale 2 includes some moderately steep to steep area and some rock/ledge outcrop, resulting in a positive 10% adjustment. Sale 3 includes some moderately steep areas, a stream, and minor wetland area, also resulting in an upward 10% adjustment.

Utilities

The abutting property is serviced by municipal water and sewer, as well as the typical overhead electricity, telephone, and cable/internet access lines. All three sales are also serviced by municipal water and sewer, and overhead utility lines. No related adjustments are required.

Size/Economies of Scale

The "before acquisition" land area measures approximately 12.95± acres (564,121± square feet). Sale 1 is slightly larger at 17.70± acres; Sale 2 is substantially larger at 42.74± acres; and Sale 3 is much larger at 71.87± acres. The principle of "Economies of Scale" is that as quantity increases the unit price decreases. This concept is most definitely applicable to real estate, vacant land in particular. Supported by paired sale analyses, the sales have been adjusted upward by 10%, 25%, and 40%, respectively.

The comparable sales utilized, and the noted adjustments appear in the following table.

Reconciliation – Abutting Property “As-Is”, As-if vacant land, “Before” Assemblage

The analyses result in an adjusted range of value of \$26,895 per acre to \$34,659 per acre, with a statistical mean of \$30,529 per acre and a median of \$30,032 per acre. This represents a range of approximately 22.40% from high to low, which is not unusual given the property type, location, and limited sales data. All three sales are located adjacent to the Village. Sale 1 is a very recent sale, having closed May 10, 2023, and required the fewest adjustments as well as the smallest net adjustment. Sale 2 is also located within Littleton and resulted in the highest unit value. Sale 3 is outside the immediate market area although still reflective of regional markets. However, it required extensive adjustments and resulted in the lowest unit value. Sale nos. 1 and 2 result in a much narrower range of 13.35%. In conclusion, emphasis has been given to Sale nos. 1 and 2, suggesting a unit value above the mid-point of the overall range. This appraisal “before” the proposed assemblage is concluded at \$32,500 per acre, or \$420,000. (12.95± acres times \$32,500 per acre equals \$420,875, rounded to \$420,000).

“As Assembled” (“After”) Analysis

In the hypothetical “As-Assembled” situation, the 18,900± square foot (0.43± acres) subject property is combined with the abutting property to result in a 13.38± acre (583,021± square feet) property, to be valued as-if vacant land. The assembled site retains the same Highest and Best Use outlined in the “As-Is”, or “before” assemblage, situation. The only variation requiring examination is *Size/Economies of Scale*. The additional land area is not such that the related adjustments require change. There are no changes in the “As-Is”, or “Before”, analysis required.

The comparable sales utilized, and the noted adjustments appear in the following table.

Reconciliation - Abutting Property "As-Assembled", As if vacant land

The analyses result in an adjusted range of value of \$26,895 per acre to \$34,659 per acre, with a statistical mean of \$30,529 per acre and a median of \$30,032 per acre. This represents a range of approximately 22.40% from high to low, which is not unusual given the property type, location, and limited sales data. All three sales are located adjacent to the Village. Sale 1 is a very recent sale, having closed May 10, 2023, and required the fewest adjustments as well as the smallest net adjustment. Sale 2 is also located within Littleton and resulted in the highest unit value. Sale 3 is outside the immediate market area although still reflective of regional markets. However, it required extensive adjustments and resulted in the lowest unit value. Sale nos. 1 and 2 result in a much narrower range of 13.35%. In conclusion, emphasis has been given to Sale nos. 1 and 2, suggesting a unit value above the mid-point of the overall range. This appraisal "before" the proposed assemblage is concluded at \$32,500 per acre, or \$435,000. (13.38± acres times \$32,500 per acre equals \$434,850, rounded to \$435,000).

Conclusion and Final Value Opinion

Subtracting the value opinion for the 'As-Is' condition from the 'As Assembled' condition is calculated as follows:

'As Assembled' valuation	\$435,000
'As-Is' valuation	\$420,000
	\$ 15,000

Based on the foregoing, my opinion of the contributory market value of the subject property as of October 12, 2023, is as follows...

\$15,000

There are extraordinary surveying costs associated with the assemblage that are to be deducted due to the conditions of the sale required by NHDOT. NHDOT has stated that the new parcel boundary shall be established by a Right of Way Adjustment survey performed by a New Hampshire licensed land surveyor to be paid for by the purchaser. The estimated cost of a Right of Way Adjustment survey is approximately \$2,500 for the subject area and abutting parcel.

The appraiser has also been instructed to consider the Administrative Fee of \$1,100 required by the State as an extraordinary cost not typical of this type of transaction and deduct it from the estimated contributory value.

Estimated Contributory Value	\$15,000
Less: Right of Way Adjustment Survey Estimate	-\$2,500
Administrative Fee	-\$1,100
Net Contributory Value Estimate	\$11,400
Contributory Value Estimate/Rounded \$100.	\$11,400

Net Contributory Value: \$11,400

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT, The State of New Hampshire, Department of Transportation whose mailing address is Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, Grantor, by the Commissioner of the Department of Transportation pursuant to vote of the Governor and Executive Council on _____, 202_, Item # __ and pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by Rail Trail Properties, LLC, 24 Beacon Street, Littleton, NH 03561, Grantee, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto Rail Trail Properties, LLC, its successors and assigns forever:

Any and all interest the State of New Hampshire has in a tract of land which is a portion of the state-owned Berlin Branch railroad corridor, located in the Town of Littleton, County of Grafton, State of New Hampshire, shown as a portion of Parcel 8 on Valuation Section 22, Map 21, on file in the records of the New Hampshire Department of Transportation bounded and described as follows:

Bounded on the West by state-owned Berlin Branch Railroad property, bounded on the North by land now or formerly of Rail Trail Properties, LLC and East by Beacon Street; bounded on the South by the Northerly side of Berlin Branch Railroad alignment, described as follows:

Beginning at a point, said point beginning 15 feet Northerly of and nearly opposite Station 1083+50+/- as shown on Valuation Section 22, Map 21; thence northerly 18 feet to a point, said point being on the sideline of property now or formerly of Rail Trail Properties, LLC; thence approximately 1,150 feet easterly along the southerly sideline of property now or formerly of Rail Trail Properties, LLC to a point; said point being on the westerly sideline of Beacon Street; thence 18 +/- southerly along the westerly sideline of Beacon Street, as now travelled to a point, said point being 15.00 feet northerly of and nearly opposite Station 1094+00+/-; thence 1150 feet +/- westerly to the point of beginning.

Containing forty eight hundredths (0.43) of an acre, more or less and meaning and intending to convey the described portion of Parcel 8 of railroad alignment on Valuation Section 22 Sheet 21, a portion of that railroad corridor conveyed by the Boston & Maine Corporation to the State of New Hampshire by Release Deed, and recorded in the Grafton County Registry of Deeds on May 14, 1999, in Book 2392, Page 731-738.

Excepting and Reserving, any easements that may cross said property that may be of record, whether shown on the above-mentioned plan or not.

The grantee for itself, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a part of this deed, it is recognized that said parcel is part of a National Register eligible district identified as the Berlin Branch Railroad. The determination of eligibility for the Berlin Branch Railroad was confirmed on February 22, 2017. The district area form is on file at the NH Division of Historical Resources. This document shall represent the current appearance of the property.

Grantee covenants and agrees if it is found to be necessary to remove any and all hazardous substances which may have been spilled, stored or incorporated in or on any part of the parcel, and in effecting such removal to assume all costs and shall hold the State harmless.

The grantee for itself, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the grantees shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging to the said Grantee, to him, his successors and assigns forever.

IN WITNESS WHEREOF, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed, by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this ___ day of _____, 202_.

Signed, Sealed and Delivered
in the presence of

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Commissioner

THE STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

On this ____ day of _____, 20 __, before me, _____ the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC

Approved by Long Range Capital Planning and Utilization Committee on April 12, 2024.
Approved by Governor and Executive Council on _____, 202__, Item #__.

DRAFT